

# **EXHIBIT 1**

## **EXPERIAN LETTER**

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P.O. Box 1240  
Allen, TX 75013  
www.experian.com

July 3, 2017

RECEIVED  
JUL 07 2017  
MAC LAW

Chad Clement, Esq.  
Marquis Aurbach Coffing  
10001 Park Run Dr.  
Las Vegas, NV 89145

RE: Subpoena for the credit records of Linda Cox  
Civil Action No. 2:16-cv-02914-APG-VCF  
Experian's Ref. # D07032017F

Dear Counselor:

Experian is unable to comply with the request as issued. The Fair Credit Reporting Act states: A consumer reporting agency may furnish a consumer report under the following circumstances and no other: **(1) In response to the order of a court having jurisdiction to issue such an order or a subpoena issued in connection with proceedings before a Federal Grand Jury.**

15 U.S.C. §1681b (1). This matter was also addressed in In Re TRW Credit Data, 98 Misc. 2d 940, 415 N.Y.S.2d 196 (1979), which held that a subpoena is not a court order unless it is signed by a judge. Further, the Federal Trade Commission's Commentary has held that a subpoena, including a grand jury subpoena, is not an 'order of a court' unless signed by a judge. 55 Fed. Reg. 18806 (May 4, 1990).

As I am sure you can appreciate, Congress realized that consumer privacy would be compromised if any attorney or individual could issue a subpoena (or arrange to have the clerk of court issue a subpoena) for the production of a document containing confidential financial information about his or her client's opponent, the other side's witnesses, or other persons whose relevance to the pending litigation is known only to the person requesting the information. Congress therefore mandated that a credit report cannot be furnished unless a court has balanced the consumer's right to privacy with the need for the disclosure of the information in the particular case.

We want to cooperate with you, but if we furnish the requested credit report(s) without an order signed by the court, we can be sued for violating the Fair Credit Reporting Act.

Accordingly, Experian cannot comply with the subpoena for credit records unless a court order is issued. Further, unless I hear to the contrary from you, I will assume that Experian's appearance will not be required as we are unable to produce the requested documents without a court order. **We will respond immediately to a subpoena signed by a judge or magistrate.**

In addition, our database is a unique system in which full identification must be input in order to retrieve a credit profile on a particular individual. Therefore, in order to process records **Linda Cox**, we will need her complete identification information. To ensure a complete credit profile, Experian uses full name, including middle name and generation code (Sr., Jr. I, II, III, etc.), current address including zip code, previous addresses for the past two years including zip codes, **complete social security number**, and date of birth.

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**Please provide complete ID information for the above referenced individual and a valid subpoena and we will promptly process your request.**

Please do not hesitate to call me if you have further questions regarding this matter.

Sincerely,

*Rick V. Haas*

Rick V. Haas  
Custodian of Records  
Experian Consumer Affairs  
214 726 4079